

CHAPTER 1

GOVERNANCE

The purpose of this chapter is to deal briefly with the major duties of those people who are ordinarily considered to be local "officials" in the sense that they are concerned with the administration and business management of the area education agency (AEA). These include the board members, the president of the board of directors, the board secretary, the board treasurer, and the administrator. Specific duties in key areas are included in later chapters of this manual.

The AEA Board

Historically, local school boards evolved from school committees set up by the New England town meetings after school problems became too complex to be handled by the town meeting itself. Since that time state constitutions, legislative acts and court decisions have consistently defined education as a state function; this represents the recognition of the principle that the education of all children is in the best interest of all the people of the state.

Thus, the school board has both local and state functions. The members are elected by the citizens of the local district. The board which they comprise has extensive local authority subject to certain broad state educational policies established by the legislature and the state department of education in the common interest of all the people of the state.

Iowa's three-tiered system of education agencies dates to 1858 when county superintendents were placed between those local school districts and the Department of Education (then called the Department of Public Instruction). The county superintendent's job was to oversee all county school districts, which numbered 5,022 in 1910.

During the next 70 years following 1858, the number of districts steadily declined. In 1957 the state legislature allowed counties to jointly employ one superintendent to handle the smaller number of districts.

In 1965 the legislature approved the merger of two or more counties into joint county school systems. In the same year the area community college system was established, creating boundaries for 15 services areas in the state.

In 1974, the legislature passed Senate File 1163 which replaced county and joint county systems with 15 AEAs as of July 1, 1975. The intent of the legislature was to provide an effective, efficient, and economical means of identifying and serving children from under five years of age through grade twelve who require special education and any other children requiring special education as defined in section 256B.2; to provide for media services and other programs and services for pupils in grades kindergarten through twelve and children requiring special education as defined in section 256B.2; to provide a method of financing the programs and services; and to avoid a duplication of programs and services provided by any other school corporation in the state; and to provide services to school districts under a contract with those school districts (273.1).

Because the law specifically defined services to accredited public and nonpublic school in three general areas—special education services, media services, and educational services—the AEAs evolved to contain three major divisions. Later, AEAs organized around key program and service areas when the accreditation of AEAs began July 1, 1997.

The department of education is established to act in a policymaking and advisory capacity and to exercise general supervision over the state system of education including all of the following:

- a. Public elementary and secondary schools.
- b. Community colleges.
- c. Area education agencies.
- d. Vocational rehabilitation.
- e. Educational supervision over the elementary and secondary schools under the control of an administrator of a division of the department of human services.
- f. Nonpublic schools to the extent necessary for compliance with Iowa school laws (256.1(1)).

AEAs, like local school districts, are school corporations. Some Code chapters do not define school corporation as used in that chapter, and may or may not include AEAs. Inclusion of the AEAs may depend on the context in which the term "school corporation" is used. When guidance is not given to AEAs on an issue but is given to school districts, generally AEAs would follow the guidance given for school districts.

An AEA is a body politic as a school corporation for the purpose of exercising powers granted under chapter 273; and may sue and be sued (273.2(2)).

Iowa school districts and AEAs operate under Dillon's Rule which states that school corporations possess and can exercise the following powers and no others: Those granted in express words, those necessarily implied or necessarily incident to the powers expressly granted, and those absolutely essential to the declared objects and purposes of the school corporation--not simply convenient or desired, but indispensable (*Merriam v. Moody's Executors*, 25 Iowa 163, 170 (1868)). School districts and AEAs cannot do by indirect means anything they do not have direct authority to do, and laws granting powers to school districts and AEAs shall be construed narrowly to limit district authority to the precise language of the authorizing statute (*Bishop v. Iowa State Board of Pub. Instr.*, 395 NW2d Iowa 838, 891 (1986)). The mere absence of a prohibition against an action or activity in Code does not give a school district or AEA authority to initiate that action or activity. Interpretation of school law may only be done by the Iowa Attorney General's Office and the Iowa Department of Education (256.9(16)). These Opinions or Rules, once given, have the effect of law on school corporations. When the word "shall" is used, it generally conveys an imperative or mandatory obligation. The word "may" generally conveys permission or discretion, but could convey an obligation depending on the context in which the word appears. The words "will" and "must" convey a directive and generally are considered synonymous to the word "shall."

There are established throughout the state fifteen AEAs each of which is governed by an AEA board of directors (273.2(1)).

The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules (279.8).

The general rule of law as set forth by the Iowa Supreme Court is that, absent an express statutory provision to the contrary, a local governmental body may not bind its successors in matters that are essentially legislative or governmental, as opposed to business or proprietary, in nature (OAG #83-6-4(L)).

The other duties and possible functions of an Iowa AEA board are far too extensive and varied to be enumerated here. The most important concept of a good board is that it is a policy-making body and that a member has no authority except as a part of that body. The law gives broad authority to the board as a whole, but an individual member, outside of an official meeting, has no legal power to act nor exemption from prosecution.

Compensation

Members of the board, other than the secretary and the treasurer, shall be allowed their actual expenses incurred in the performance of their duties and may be eligible to receive per diem compensation (260C.12, 273.8(3)).

Board members may be reimbursed for actual and necessary expenses including expenses incurred in attending national school board conventions in distant states (OAG #77-12-5).

It shall be unlawful for any school director, officer, area education director or teacher to act as agent for any school textbooks or school supplies during such term of office or employment, and any school director, officer, area education director or teacher who shall act as agent or dealer in school textbooks or school supplies, during the term of such office or employment, shall be deemed guilty of a serious misdemeanor (301.28).

A member of the board of directors of a school corporation shall not have an interest, direct or indirect, in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school corporation. A contract entered into in violation of this section is void. This section does not apply to contracts for the purchase of goods or services, which benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed two thousand five hundred dollars (\$2500) in a fiscal year, and contracts made by a school board, upon competitive bid in writing, publicly invited and opened (279.7A).

Contracts in which a board member has any interest are void as contrary to public policy (*Kagy v. Independent School District*, 117-694; *Town of Hartley v. Floete Lumber Company*, 185-861).

An official shall not sell, in any one occurrence, any goods or services having a value in excess of two thousand dollars (\$2000) to any state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding (68B.3).

Legal Advice

The county attorney shall give advice or a written opinion, without compensation, to the board and other county officer and to school and township officer, when requested by an officer, upon any matters in which the state, county, school, or township is interested, or relating to the duty of the officer in any matters in which the state, county, school, or township may have an interest, but the county attorney shall not appear before the board at a hearing in which the state or county is not interested (331.756(7)).

The county attorney shall cooperate with the auditor of state to secure correction of a financial irregularity (331.756(11)).

It shall be the duty of the department of education to interpret the school laws and rules relating to the school laws (256.9(16)).

It shall be the duty of the attorney general to give an opinion in writing, when requested, upon all questions of law submitted by the general assembly or by either house thereof, or by any state officer, elective or appointive. Questions submitted by state officers must be of a public nature and relate to the duties of such officer (13.2(5)).

A school corporation may employ an attorney to represent the school corporation as necessary for the proper conduct of the legal affairs of the school corporation (279.37).

Attorneys to defend individual directors for acts in their official capacity may be paid from district funds (1936 Op. Att'y Gen. 273; 1940 Op. Att'y Gen. 26 (#39-1-18)).

Authority of Law, Rules, Opinions and Departmental Regulations

Iowa school districts and AEAs operate under Dillon's Rule, by state constitution, which states that school districts and AEAs possess and can exercise the following powers and no others: Those granted in express words, those necessarily implied or necessarily incident to the powers expressly granted, and those absolutely essential to the declared objects and purposes of the school corporation--not simply convenient or desired, but indispensable. Interpretation of school law may be done by the Iowa Attorney General's Office and the Iowa Department of Education. These Opinions and Rules, once given, have the effect of law on school districts and AEAs.

It is well established that where the language of a statute is plain and unambiguous and its meaning clear and unmistakable, there is no room for construction, and we may not search for its meaning beyond the statute itself (OAG #84-5-1(L)).

An administrative rule, violation of which is a crime, may incorporate federal standards by reference, provided these standards are explicit and readily ascertainable (OAG #87-10-2(L)).

An attorney general's opinion establishes the substantive interpretation of a Code section until it is overruled, revised, withdrawn upon consideration or upset by court decision (OAG #87-1-5).

A footnote in OAG #92-11-3 indicates that an opinion based on a Code section which is repealed but replaced with a section having much the same language would continue to apply.

Joint Exercise of Power

The purpose of Iowa Code chapter 28E [joint exercise of governmental powers] is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to co-operate in other ways of mutual advantage (28E.1).

Public agency shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state (28E.2).

Private agency shall mean an individual and any form of business organization authorized under the laws of this or any other state (28E.2).

Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when

acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by chapter 28E upon a public agency (28E.3).

Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or cooperative action pursuant to the provisions of chapter 28E including the creation of a separate entity to carry out the purpose of the agreement (28E.4).

Any contract or agreement authorized by chapter 28E shall not be limited as to period of existence, except as may be limited by the agreement or contract itself (28E.14).

Any such agreements under chapter 28E shall specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters (28E.5).

No agreement made pursuant to chapter 28E shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility (28E.7).

If an agreement entered into pursuant to chapter 28E is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact. Such agreements shall, before entry into force, be approved by the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state (28E.9).

The Department of Education, in conjunction with the state board of regents, shall explore the need for coordination between school districts, AEAs, regents institutions, and community colleges for purposes of delivery of courses, use of telecommunications, transportation, and other similar issues. Coordination may include, but is not limited to, coordination of calendars, programs, schedules, or telecommunications emissions (256.9(42)).

Accredited Nonpublic School Sharing

School districts and AEA boards shall make public school services, which shall include special education programs and services and may include health services, services for remedial education programs, guidance services, and school testing services, available to children attending nonpublic schools in the same manner and to the same extent that they are provided to public school students. However, services that are made available shall be provided on neutral sites, or in mobile units located off the nonpublic school premises as determined by the boards of the school districts and AEAs providing the services, and not on nonpublic school property, except for health services, services funded by Title I of the federal Elementary and Secondary Education Act of 1965, diagnostic services for speech, hearing, and psychological purposes, and assistance with physical and communication needs of students with physical disabilities, and services of an educational interpreter, which may be provided on nonpublic school premises, with the permission of the lawful custodian (256.12(2)).

Providing Joint Services and Facilities

The AEA board shall meet at least annually with the members of the boards of directors of the merged areas in which the AEA is located to discuss coordination of programs and services and other matters of mutual interest to the boards (273.3(16)).

An AEA shall contract, whenever practicable, with other school corporations for the use of personnel, building, facilities, supplies, equipment, programs and services (273.2(6)).

Pending audit and allowance of claims under section 279.29, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law (279.29).

Public funds may not be spent to support voluntary programs provided by nonprofit private agencies. However, the services provided by such agencies may be obtained under Chapter 28E agreements where joint exercise of governmental power is warranted (OAG #76-9-2).

The AEA board is authorized, subject to rules of the state board of education, to provide directly or by contractual arrangement with public or private agencies for special education programs and services, media services, and educational programs and services requested by the local boards of education as provided in chapter 273, including but not limited to contracts for the AEA to provide programs or services to the local school districts and contracts for local school districts, other educational agencies, and public and private agencies to provide programs and services to the local school districts in the AEA in lieu of the AEA providing the services. Contracts may be made with public or private agencies located outside the state if the programs and service comply with the rules of the state board. Rules adopted by the state board of education shall be consistent with rules, adopted by the board of educational examiners, relating to licensing of practitioners (273.3(5)).

AEAs may cooperate and contract between themselves and with other public agencies to provide special education programs and services, media services, and educational services to schools and children residing within their respective areas (273.3(6)).

AEA boards are authorized, subject to the approval of the director of the department of education, to enter into agreements for the joint use of personnel, buildings, facilities, supplies, and equipment with school corporations as deemed necessary to provide authorized programs and services (273.3(8)).

Interchange of Federal, State and Local Government Employees

Any department, agency, or instrumentality of the state, county, city, municipality, land-grant college, or college or university operated by the state or any local government is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, another state or locality, or other agencies, municipalities, or instrumentalities of this state as a sending or receiving agency. The period of individual assignment or detail under an interchange program shall not exceed twenty-four months, except that an employee may be assigned for an additional twenty-four month period upon the agreement of the employee and both the sending and receiving agencies. No employee shall be assigned or detailed without the employee's expressed consent or by using undue coercion to obtain said consent (28D.3).

Powers and Responsibilities

Policy Making

State Policy on Education Effectiveness

It is the policy of the state of Iowa to provide an education system that prepares the children of this state to meet and exceed the technological, informational, and communications demands of our society. The general assembly finds that the current education system must be transformed to deliver the enriched educational program that the adults of the future will need to have to compete in tomorrow's world. The general assembly further finds that the education system must strive to reach the following goals:

1. All children in Iowa must start school ready to learn.
2. Iowa's high school graduation rate must increase to at least ninety percent.
3. Students graduating from Iowa's education system must demonstrate competency in challenging subject matter, and must have learned to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in a global economy.
4. Iowa students must be first in the world in science and mathematics achievement.
5. Every adult Iowan must be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
6. Every school in Iowa must be free of drugs and violence and offer a disciplined environment conducive to learning (256.37).

The Iowa Constitution does not contain an education clause.

Strategic Planning and Rule-Making

The AEA board shall determine the policies of the AEA for providing programs and services (273.3(1)).

The AEA board shall meet annually with the members of the boards of directors of the school districts located within its boundaries if requested by the school district boards (273.3(22)).

The AEA board shall meet at least annually with the members of the board of directors of the merged areas in which the AEA is located to discuss coordination of programs and services and other matters of mutual interest to the boards (273.3(16)).

The AEA board shall employ personnel to carry out the functions of the AEA which shall include the employment of an administrator who shall possess a license issued under chapter 272. The salary of an AEA administrator shall be established by the board based upon the previous experience and education of the administrator (273.3(11)).

The board shall develop and maintain a policy manual which provides a codification of its policies including the adoption date, the review date, and any revision date for each policy. Policies shall be reviewed at least every five years to ensure relevance to current practices and compliance with the Iowa Code, administrative rules and decisions, and court decisions (IAC 281--12.3(2)).

The board shall have the authority to issue school credit cards allowing AEA employees to pay for the actual and necessary expenses incurred in the performance of work-related duties (273.3(18)).

The board shall have the authority to charge user fees for certain materials and services that are not required by law or by rules of the state board of education and are specifically requested by a school district or accredited nonpublic school, pursuant to rules adopted by the state board of education (273.3(19)).

Upon the receipt by a public employer of a request from an employee organization to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit (20.16).

The AEA board shall provide for advisory committees as deemed necessary (273.3(4)).

The director of the Department of Education shall appoint to each of the seven regional boards of library trustees a representative from an AEA to served as a nonvoting member (256.62(1)).

A representative from the AEA board of directors shall served on the regional vocational education planning board (258.16).

A community empowerment board shall designate a public agency of this state, as defined in section 28E.2, a community action agency as defined in section 216A.91, an AEA established under section 273.2, or a nonprofit corporation, to be the fiscal agent for grant moneys and for other moneys administered by the community board (28.7(1)(a)).

The board or regents shall develop a center for early development education at one of the regents' institutions. The center's programs shall be conducted in a laboratory school setting to serve as a model for early childhood education. The programs shall include, but not be limited to, programs designed to accommodate the needs of at-risk children. The teacher education programs at all three state universities shall cooperate in developing the center and its program. The center's programs shall take a holistic approach and the center shall, in developing its programs, consult with representatives from a number of agencies including an early childhood development specialist from an AEA (262.71).

The AEA shall approve written investment policies which incorporate the guidelines specified in section 12B.10, sections 12B.10A through 12B.10C, and any other provisions deemed necessary to adequately safeguard invested public funds (12B.10B(1)). The written investment policy shall be delivered to all of the following:

- a. The governing body or officer of the public entity to which the policy applies.
- b. All depository institutions or fiduciaries for public funds of the public entity.
- c. The auditor of the public entity (12B.10B(2)).

School districts and AEAs shall not charge other school districts or AEAs for plans or information about innovative Educational Excellence Phase III plans that they have developed (294A.19).

Boards of directors of AEAs may pay, out of funds available to them reasonable annual dues to the Iowa association of school boards. Membership in such an Iowa association of school boards shall be limited to those duly elected members of the AEA board (273.3(13)).

The board of directors shall notify the cities located within the school district, the counties in which the school district may be located, and the department of general services annually of the facilities and buildings owned by the public school corporation which are vacant and available to be leased or purchased (297.4).

Before proceeding to construct or purchase a facility as otherwise provided by law, a public agency shall inquire of other public agencies having facilities with the same general geographic area concerning the availability of all or part of those facilities for rent or sharing by agreement with the inquiring public agency. If there are no suitable facilities available for rent or sharing, the governing body of the public agency shall record its findings in its meeting minutes (28E.18).

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface. A violation of this labeling requirement shall be a serious misdemeanor (721.8, 721.9).

A motor vehicle purchased by or used under the direction of the board of directors to provide services to a school corporation shall not operate on gasoline other than gasoline blended with at least ten percent ethanol. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on gasoline blended with ethanol (279.34).

The AEA board is authorized to perform all other acts necessary to carry out the provisions and intent of chapter 273 (273.3(10)).

Evaluation and Oversight

The board shall establish written evaluation criteria and shall establish and annually implement evaluation procedures. The board shall also establish written job descriptions for all supervisory positions (279.23A).

The board shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed. In any district in which the board consists of five or more members, an audit made by one or more members of the board designated by the board or by a certified public accountant employed by the board, and certified to the board by such member or members of the board or by such accountant, shall satisfy the requirements of this section with respect to the audit of a claim (279.29). [Allowance of a claim, however, must be done by the board as a whole.]

The board shall from time to time examine the accounts of the treasurer and make settlements with the treasurer (279.31).

If the local AEA verified that a pupil enrolled in a post secondary enrollment act course was unable to complete the course for reasons including but not limited to the pupil's physical incapacity, death in the family, or the pupil's move to another school district, a verification by the AEA shall constitute a waiver to the requirement that the pupil, pupil's parent, guardian, or legal custodian pay the costs of the course to the school district (261C.8).

If the board of directors of any school district in Iowa enters into contract with the state board of regents for furnishing instruction to pupils of that school district, the contract shall be in writing and a copy shall be filed in the office of the administrator of the AEA (262.32).

Provision of Services to School Districts

Must not Duplicate

The board of directors of an AEA shall not establish programs and services which duplicate programs and services which are or may be provided by the community colleges under the provisions of 260C (273.2(6)).

Inservice training programs for employees of school districts and AEAs shall not duplicate programs and services available in the area from the universities under the state board of regents and from other universities and four-year institutions of higher education in Iowa (273.2(5)(a)).

Educational Services

The AEA board shall furnish educational services and programs as provided in sections 273.1-273.9 and chapter 256B to the pupils enrolled in public or nonpublic schools located within its boundaries which are on the list of accredited

schools. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974. The programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines (273.2(3)).

The AEA shall cooperate with local boards in considering and developing plans for the improvement of the educational programs and services in the AEA (273.4(1)).

The AEA shall provide, when requested, such other assistance as possible to school districts of the AEA for the general improvement of their educational programs and operations (273.4(2)).

The AEA shall arranged for professional teachers' meetings, demonstration teaching, or other field work for the improvement of instruction as best fits the needs of the public schools in each area (256.9(25)).

Each AEA shall periodically offer a staff development program for teachers who provide instruction in human growth and development (279.50(2)).

Each AEA shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency (280.19A).

Special Education Services

The AEA board shall provide for special education services for the local school districts in the area (273.2(4)).

The AEA shall establish a division of special education for the AEA which shall provide for special education programs and services to the local school districts. The division shall be headed by a director of special education who meets DE certification standards. The director of special education shall have the following powers and duties:

1. Properly identify children requiring special education. This identification shall take place as of the last Friday in October.
2. Insure that each child requiring special education in the area receives an appropriate special education program or service.
3. Assign appropriate weights for each child requiring special education programs or services as provided in section 256B.9.
4. Supervise special education support personnel.
5. Provide each school district within the area served and the department of education with a special education weighted enrollment count, including the additional enrollment because of special education.
6. Submit to the DE special education instructional and support program plans and applications, subject to criteria listed in chapter 256B and 273, for approval by February 15 of each year for the school year commencing the following July 1.
7. Coordinate the special education program within the area served (273.5).

The required program plan shall establish all of the following:

1. That there are sufficient children requiring special education within the area.
2. That the service or program will be provided by the most appropriate educational agency.
3. That the educational agency providing the service or program has employed qualified special educational personnel.
4. That the instruction is a natural and normal progression of a planned course of instruction.
5. That all revenue raised for support of special education instruction and services is expended for actual delivery of special education instruction or services.
6. Other factors as the state board may require (256B.11).

A child of compulsory attendance age who is identified as requiring special education under chapter 256B is eligible for placement under competent private instruction with prior approval of the placement by the director of special education of the AEA of the child's district of residence (299A.9).

When a special education personnel pooling agreement, which as been entered into between an AEA and a public school district pursuant to section 273.5, is terminated, the public school district shall assume the contractual obligations for any teachers assigned to the district under the agreement (280.15(2)).

Specific requirements on AEAs related to special education services can be found in Iowa Administrative Code Chapter 281—41.

Media Services

The AEA board shall provide for media services for the local school districts in the area (273.2(4)). This will include:

- a. A materials lending library, consistent of print and nonprint materials.
- b. A professional library.
- c. A curriculum laboratory, including textbooks and correlated print and audiovisual materials.
- d. Capability for production of media-oriented instructional materials.
- e. Qualified media personnel.
- f. Appropriate physical facilities.
- g. Other materials and equipment deemed necessary by the DE (273.6(1)).

The board shall assist in facilitating interlibrary loans of materials between school districts and other libraries. Each AEA shall include as a member of its media center advisory committee a library service area trustee or library service area staff member, who is appointed to the committee by the commission of libraries (273.2(4)).

AEAs may provide print and nonprint materials to public and private colleges and universities that have teacher education programs approved by the state board of education (273.3(6)).

The AEA shall submit program plans each year to the department of education for approval by the director of the department of education, to reflect the needs of the AEA for media services as provided in section 273.6 (273.4(3)).

The program plans shall include all of the following:

- a. Evidence that the services proposed are based upon an analysis of the needs of the local school districts in the area.
- b. Description of the manner in which the services of the AEA media center will be coordinated with other agencies and programs providing educational media.
- c. Description of the means for delivery of circulation materials.
- d. Evidence that the media center fulfills the requirements of 273.6(1) (273.6(2)).

Gifted and Talented Programs

The AEA board shall encourage and assist school districts in the area to establish programs for gifted and talented children (273.2(4)).

The AEAs in which the school districts having approved gifted and talented children programs are located shall cooperate with the school district in the identification and placement of gifted and talented children and may assist school districts in the establishment of such programs (257.47).

At the written request of one or more boards of school districts in an AEA, the AEA board shall establish one or more gifted and talented children advisory councils and shall appoint members for four-year staggered terms. If an AEA has a weighted enrollment of more than 35,000, the board may appoint additional advisory councils for each 35,000 weighted enrollment or fraction of 35,000 (257.48).

The gifted and talented children advisory council shall:

1. Elect a chairperson and vice chairperson from the membership of the advisory council.
2. Meet as often as deemed necessary by the advisory council.
3. Advise and assist a local board of directors in the establishment of gifted and talented children programs, when requested by the local board.
4. Review program plans and proposed budgets for a gifted and talented children program, in consultant with a gifted and talented children consultant employed by the AEA, when requested by a local board.
5. When requested by a local board, evaluate the results of a gifted and talented children program and file a written report together with recommendations for improvement or change with the board of directors of the applicable school district, the AEA, and the Department of Education. The evaluation shall be conducted by three or more members of the advisory council (257.49).

Student Transportation

Distance to school or to a bus route shall in all cases be measured on the public highway only and over the most passable and safest route as determined by the AEA board, starting in the roadway opposite the private entrance to the residence of the pupil and ending in the roadway opposite the entrance to the school grounds or designated point on bus route (285.1(9)).

When the school designated for attendance of pupils is engaged in the transportation of pupils, the sending or designating school shall use these facilities and pay the pro rata cost of transportation except that a district sending pupils to another school may make other arrangements when it can be shown that such arrangements will be more

efficient and economical than to use facilities of the receiving school, providing such arrangements are approved by the board of the AEA (285.1(6)).

If a local board closes either elementary or high school facilities and is approved by the board of the AEA to operate its own transportation equipment, the full cost of transportation shall be paid by the board for all pupils living beyond the statutory walking distance from the school designated for attendance (285.1(7)).

The district of residence of a nonpublic school pupil eligible for transportation services may travel into the boundary of a contiguous public school district or may contract for such transportation, with the approval of the AEA (285.2).

When a local board fails to pay transportation costs due to another school for transportation service rendered, the board of the creditor corporation shall file a sworn statement with the AEA board specifying the amount due. The AEA board shall check such claim and if the claim is valid shall certify to the county auditor. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such claim from the funds of the debtor corporation to the creditor corporation and the treasurer shall pay the same accordingly (285.1(13)).

When pupils are sent to another district due to a board closing its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, provided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the AEA board, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service (285.4).

The powers and duties of the respective AEA boards shall be to:

1. Enforce all laws and all rules and regulations of the Department of Education relating to transportation.
2. Review and approve all transportation arrangements between districts in the agency and in all districts in the agency not operating high schools. If such transportation arrangements, designations, and contracts are not in conformity to law or established uniform standards for the locating and operating of bus routes, the AEA board shall, after receiving all facts, make such alterations or changes as necessary to make the arrangements, designations, and contracts conform to the legal and established requirements and shall notify local boards of such action.
3. Approval all bus routes outside the boundary of the district of the school operating buses.
4. When a local board fails to make designations and other necessary arrangements for transportation as required by law, the AEA board shall, after due notice to the local board, make necessary arrangements in conformity with law and established requirements. Notice shall be given to the local board of the arrangements as made. The arrangements shall be binding on the local board which shall pay the costs for service as arranged (285.9).

In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal the same to the AEA board (285.12). In the event of a disagreement between the board of a school district and the board of an AEA, the board of the school district may appeal to the director of the Department of Education (285.13).

Technology Services

Prior to receiving school improvement technology block grant funds under chapter 256D, each AEA shall develop a plan to assist school districts in the development of a technology planning process to meet the purposes of the school improvement technology block grant program. The plan shall describe how the AEA intends to support school districts with instructional technology staff development and training (256D.7(2)).

Funds received by an AEA shall be expended for the costs related to supporting school districts within the area served with technology planning and equipment, including hardware and software, materials and supplies related to instructional technology and the lease or lease-purchase agreements for those items, employment of or contracting with information technology specialists to provide technical consulting and integration of technology in curriculum and instruction, and staff development and training related to instructional technology. A consortium of AEAs may cooperatively engage in any of the activities allowed by this section (256D.8(3)).

Other Services

The AEA board may provide within the limits of funds available the following programs and services to local school districts, and at the request of the local school districts, to providers of children development services who have received grants under chapter 256A from the child development coordinating council:

1. Inservice training programs for employees of school districts and AEA, provided that at the time programs and services are established they do not duplicate programs and services available in that area from the Iowa universities and 4-year institutions of higher education. The inservice training programs shall include but are not limited to regular training concerning mental or emotional disorders which may afflict children and the impact children with such disorders have upon their families.
2. Educational data processing pursuant to subsection 256.9(11).
3. Research, demonstration projects and models, and educational planning for children under five years of age through grade twelve and children requiring special education as defined in section 256B.2 as approved by the state board of education.
4. Auxiliary services for nonpublic school pupils as provided in section 256.12. However, if auxiliary services are provided their funding shall be based on the type of service provided.
5. Other educational programs and services for children under five years through grade twelve and children requiring special education as defined in section 256B.2 and for employees of school districts and AEAs as approved by the state board of education (273.2(5)).

If sixty percent of the number of local school boards located in an AEA, or if local school boards representing sixty percent of the enrollment in the school districts located in the agency, request in writing to the AEA board that an additional service be provided them, for pupils in grades kindergarten through twelve or children requiring special education as defined in section 256B.2 or for employees or board members of school districts or AEAs, the AEA board shall arrange for the service to be provided to all school districts in the area within the financial capabilities of the AEA (273.7).

The board of an AEA may provide services to school districts located in the AEA under contract with the school districts. These services may include, but are not limited to,

- Superintendency services,
- Personnel services,
- Business management services,
- Specialized maintenance services,
- And transportation services (273.7A).

In addition, the board of the AEA may provide for furnishing expensive and specialized equipment for school districts. School districts shall pay to AEAs the cost of providing the services (273.7A).

The board of an AEA may also provide services authorized to be preformed by AEAs to other AEAs in this state and to provide a method of payment for these services (273.7A).

The AEA board shall be vested with the powers of the board of directors of the local school district for purposes of a sale of land to the federal government for an ordinance plant or other project which may be deemed desirable for the development of the national defense or for purpose of flood control whenever a majority of the directors of that school corporation have moved from the district and have ceased to be residents thereof thereby creating vacancies on the school board and reducing it to less than a quorum. The instrument of conveyance shall be executed on behalf of the school district by the president of the AEA board until an election is called pursuant to chapter 277 (274.40).

The AEA board is authorized to perform all other acts necessary to carry out the provisions and intent of chapter 273 (273.3(10)).

Whole Grade Sharing Feasibility Surveys and Studies

The Department of Education shall conduct or shall direct the AEA to conduct feasibility surveys and studies, if requested under section 282.11, of the school districts within the AEA service areas and all adjacent territory, including but not limited to contiguous districts in other states, for the purpose of evaluating and recommending proposed whole grade sharing agreements requested under section 282.7 and section 282.10, subsections 1 and 4. The surveys and studies shall be revised periodically to reflect reorganizations which may have taken place in the AEA, adjacent territory, and contiguous districts in other states. The surveys and studies shall include a cover page containing recommendations and a short explanation of the recommendations. The factors to be used in determining the recommendations include, but are not limited to:

- a. The possibility of long-term survival of the proposed alliance.
- b. The adequacy of the proposed educational programs versus the educational opportunities offered through a different alliance.
- c. The financial strength of the new alliance.
- d. Geographical factors.
- e. The impact of the alliance on surrounding schools.

Copies of the completed surveys and studies shall be transmitted to the affected districts' boards (256.9(34)).

Reorganization Feasibility Surveys and Studies

The AEA boards shall develop detailed studies and surveys of the school districts within the AEA and all adjacent territory for the purpose of providing for reorganization of school districts in order to effect more economical operation and the attainment of higher standards of education in the schools. The plans shall be revised periodically to reflect reorganizations which may have taken place in the AEA and adjacent territory (275.1).

The scope of the studies and surveys shall include the following matters in the various districts in the AEA and all districts adjacent to the AEA:

- The adequacy of the educational program,
- Pupil enrollment,
- Property valuations,
- Existing buildings and equipment,
- Natural community areas,
- Road conditions,
- Transportation,
- Economic factors,
- Individual attention given to the needs of students,
- The opportunity of students to participate in a wide variety of activities related to the total development of the student,
- And other matters that may bear on educational programs meeting minimum standards required by law.

The plans shall also include suggested alternate plans that incorporate the school districts in the AEA into reorganized districts that meet the enrollment standards specified in section 275.3 and may include alternate plans proposed by school districts for sharing programs under section 28E.9, 256.13, 280.15, 282.7, or 282.10, as an alternative to school reorganization (275.2).

No new school district shall be planned by an AEA board nor shall any proposal for creation or enlargement of any school district be approved by an AEA board or submitted to electors unless there reside within the proposed limits of such district at least three hundred persons of school age who were enrolled in public schools in the preceding school year (275.3).

In developing studies and surveys the AEA board shall consult with the officials of school districts in the area and other citizens, and shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans for reorganization (275.4).

A proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the AEA board following the procedures prescribed in chapter 275 (275.5).

It is the intent of chapter 275 that the AEA board shall carry on the program of reorganization progressively and shall, insofar as is possible, authorize submission of proposals to the electors as they are developed and approved (275.6).

Planning of joint districts shall be conducted in the same manner as planning for single districts, except as provided in this section. Studies and surveys relating to the planning of joint districts shall be filed with the AEA in which one of the districts is located which has the greatest taxable property base. "Joint districts" means districts that lie in two or more adjacent AEAs (275.8).

It is the intent of chapter 275 that the AEA board shall carry on the program of reorganization progressively and shall, insofar as is possible, authorize submission of proposals to the electors as they are developed and approved (275.6).

Boundary Changes

In any case where, by reason of natural obstacles, any portion of the inhabitants of any school corporation in the opinion of the AEA administrator cannot with reasonable facility attend school in their own corporation, the AEA administrator shall, by a written order, in duplicate, attach the part thus affected to an adjoining school corporation, the board of the same consenting thereto, one copy of which order shall be at once transmitted to the secretary of each corporation affected thereby, who shall record the same and make the proper designation on the plat of the corporation. Township or county lines shall not be a bar to the operation of this section (274.13).

When the natural obstacles by reason of which territory has been set off by the AEA administrator from one school district and attached to another in the same or an adjoining county have been removed, the territory may, upon the concurrence of the respective boards, be restored to the school district from which set off and shall be so restored by said boards upon the written application of two-thirds of the electors residing upon the territory so set off together with the concurrence of the AEA administrator and the board of the school district from which such territory was originally set off by the administrator (274.14).

The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings called for that purpose. Such concurrent action shall be subject to the approval of the AEA board but such concurrent action shall stand approved if the board does not disapprove such concurrent action within thirty days following receipt of notice thereof. The corporation from which territory is detached shall, after the change, contain not less than four government sections of land (274.37).

A proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the AEA board (275.5).

The provisions of sections 275.1 to 275.5, relating to studies, surveys, hearings and adoption of plans shall constitute a mandatory prerequisite to the effectuation of any proposal for district boundary change. It shall be the mandatory duty of the AEA board to dismiss the petition if the above provisions are not complied with fully (275.9).

Objections

Any person residing or owning land within the territory described in the petition, or who would be injuriously affected by the change petitioned for, may file an objection with the AEA administrator on forms prescribed by the Department of Education (275.14). A brief summary of the objection process and copies of the forms are included in Appendix B.

Public School Officials

The doctrines of incompatibility of office and conflict of interest do not preclude an individual from serving both as a member of the county board of supervisors and as a member of the board of directors of a local school (OAG #92-9-1).

An assistant county attorney is a public employee, not a public officer. Therefore, incompatibility doctrine is inapplicable and assistant county attorneys may serve on school boards (OAG #91-7-2).

The offices of county assessor and secretary of the school board are not incompatible (#89-10-3(L)).

The Board President

The president of the board of directors shall:

- (a) preside at all of its meetings,
- (b) sign all contracts made by the board,
- (c) and appear in behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary (291.1).

The president or the president's designee shall sign, using an original or facsimile signature, all school district warrants drawn as provided by law (291.1).

The board of directors of a school district or an AEA may by resolution authorize the secretary, upon approval of the president of the board, to issue warrants when the board of directors is not in session, but only upon verified bills filed with the secretary, and the secretary shall either deliver in person or mail the warrant to the payee (279.30).

In case of a breach of the bond of the secretary or treasurer, the president shall bring action thereon in the name of the school corporation (291.5).

The Board Secretary

The secretary and treasurer, within ten days after appointment and before entering upon the duties of the office, shall execute to the school corporation a surety bond in an amount sufficient to cover current operations as determined by the board. All such bonds shall be continued to the faithful discharge of the duties of the office. The amount and sufficiency of all surety bonds shall be determined and approved by the board and shall be filed with the president. The cost of the surety bond shall be paid by the school corporation. If a single person serves as secretary and treasurer,

pursuant to section 279.3 or 260C.12, only one bond is necessary for that person. The secretary and treasurer may give bond under a single bond covering other employees of the district (291.2). If the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation (291.3). Each shall take the oath required of civil officers, which shall be endorsed upon the bond, and shall complete the qualification within ten days (291.4). The board shall appoint a temporary secretary in the absence of the regular officer (279.5).

A board may cancel an official bond and obtain a new bond from a different carrier prior to expiration of an official's term, provided that the provisions of chapter 64 are followed in procuring the new bond, and provided that no language in the original bond instrument prohibits such cancellation (OAG #96-10-1(L)).

The secretary appointed by the board of directors is an "officer" (OAG #56-9-24).

The board shall determine the salary for the secretary (260C.12, 273.8(3)).

It is not permissible for the school district to employ a person as secretary. The secretary is an appointed officer rather than an employee. The board may assign business management duties in addition to the statutory duties (OAG #76-4-15). However, an employee other than a teacher could be appointed as secretary (279.3). In this case, this person holds two legally separated, though possibly integrated, positions with the district--one an appointed position and one an employed position.

The major duties of the secretary are as follows:

File and preserve copies of all reports made and all papers transmitted pertaining to the business of the corporation. (291.6(1)).

Keep a complete record of all the proceedings of the meetings of the board and of all regular or special elections in the corporation in separate books (291.6(2)).

Keep an accurate, separate account of each fund with the treasurer, charge the treasurer with all warrants and drafts drawn in the treasurer's favor, and credit the treasurer with all orders drawn on each fund (291.6(3)).

Keep an accurate account of all expenses incurred by the corporation, and present the same to the board for audit and payment (291.6(4)).

The secretary of each district shall file monthly with the board of directors, a complete statement of all receipts and disbursements from the various funds during the preceding month, and also the balance remaining on hand in the various funds at the close of the period covered by the statement, which monthly statements shall be open to public inspection (291.7).

The secretary shall draw each order on the treasurer, specify the fund on which it is drawn and the use for which the money is appropriated; countersign using an original or facsimile signature and keep a register of the order, showing the number, date, to whom drawn, the fund upon which it is drawn, the purpose and the amount; and at each regular annual meeting furnish the board with a copy of the register (291.8).

If the board of directors of a school district or an AEA has so authorized by resolution, the secretary may issue warrants when the board of directors is not in session in payment of freight, drayage, express, postage, printing, water, light, and telephone rents, but only upon verified bills filed with the secretary and for the payment of salaries pursuant to the terms of a written contract, and the secretary shall either deliver in person or mail the warrants to the payees. In addition, the board of directors may by resolution authorize the secretary, upon approval of the president, to issue [other] warrants when the board of directors is not in session, but only upon verified bills filed with the secretary, and the secretary shall either deliver in person or mail the warrants to the payees. Each warrant must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the warrant is issued. All bills and salaries for which warrants are issued prior to audit and allowance by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary (279.30).

Report to the director of the department of education, the county auditor and the county treasurer the name and post office address of the president, treasurer, and secretary of the board as soon as practicable after the qualification of each (291.11).

The secretary shall appear in behalf of the corporation in all action brought by or against it when the president of the board of directors is individually a party in the action (291.1).

The board may delegate its responsibility for handling investment transactions to the secretary (12C.11).

An AEA may be garnished upon a judgment against an employee. No debt of the garnishee is subject to garnishment other than the wages of the public employee. Service of the original notice shall be made to the secretary of the school board. The garnishee shall be required to answer within thirty days following receipt of the notice. A judgment in garnishment shall be enforceable against a garnishee only to the extent of the defendant's wages actually in the possession of the garnishee, and shall not be enforceable against any property, claims or other rights of the garnishee (642.2). Worker compensation is exempt except for the purposes of enforcing child, spousal, or medical support obligations (627.13).

Receive the report from the local school districts which they requested from accredited nonpublic schools located within each district of the names and ages of each pupil who is of compulsory attendance age and the grade level of each pupil. In addition, the report shall identify all students of compulsory attendance age who were truant and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school (299.3).

Receive reports from local school districts regarding private instruction of pupils of compulsory attendance age. The report shall state the name and age of the child, the period of time during which the child has been or will be under competent private instruction for the year, an outline of the course of study, texts used, and the name and address of the instructor (299.4).

All certificates, reports, and proofs related to compulsory education shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of that office, and the secretary shall furnish certified copies thereof to any person requesting the same (299.7).

The secretary shall designate some suitable place for the organization meeting of the board of directors and notify each member and member-elect of the place and hour (279.1).

Upon termination of term of office, the secretary shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor (277.31).

Each school officer shall install and use in the office a system of uniform [financial accounting] blanks and forms as prescribed by law (11.23).

The secretary shall file an annual report with the director of the department of education on forms prepared for that purpose (291.10).

The Board Treasurer

The secretary and treasurer, within ten days after appointment and before entering upon the duties of the office, shall execute to the school corporation a surety bond in an amount sufficient to cover current operations as determined by the board. All such bonds shall be continued to the faithful discharge of the duties of the office. The amount and sufficiency of all surety bonds shall be determined and approved by the board and shall be filed with the president. The cost of the surety bond shall be paid by the school corporation. If a single person serves as secretary and treasurer, pursuant to section 279.3 or 260C.12, only one bond is necessary for that person. The secretary and treasurer may give bond under a single bond covering other employees of the district (291.2). If the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation (291.3). Each shall take the oath required of civil officers, which shall be endorsed upon the bond, and shall complete the qualification within ten days (291.4).

A board may cancel an official bond and obtain a new bond from a different carrier prior to expiration of an official's term, provided that the provisions of chapter 64 are followed in procuring the new bond, and provided that no language in the original bond instrument prohibits such cancellation (OAG #96-10-1(L)).

Upon termination of the term of office, the treasurer shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor (277.31).

The board shall determine the salary for the treasurer (260C.12, 273.8(3)).

A treasurer of a school district is an officer of the district, and service of notice on the treasurer binds the district (Kennedy v. Independent School District of Derby Grange, 1978, 48 Iowa 189).

The major duties of the school district treasurer are as follows:

Receive all moneys belonging to the school district (291.12).

Pay only warrants signed by the president and countersigned by the secretary (291.12). No order shall be drawn upon the treasury until the claim therefor has been audited and allowed (279.29). Each warrant must be made payable to the person entitled to receive the money (279.30).

Keep an accurate record of all receipts and expenditures in a book provided for that purpose (291.12).

Register all orders drawn and reported to the treasurer by the secretary, showing the number, date, to whom drawn, fund upon which it is drawn, the purpose and amount (291.12).

The treasurer shall keep a separate account for each fund, and shall not pay an order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied (298A.14).

Render a statement on the finances of the corporation whenever required by the board; and the treasurer's books shall always be open for inspection (291.14).

The board shall from time to time examine the accounts of the treasurer and make settlements with the treasurer (279.31). The treasurer at the time of settlement shall furnish the board with a sworn statement from each depository showing the balance then on deposit in the depository (279.33).

All funds held by the treasurer shall be deposited in one or more depositories first approved by the board of school directors. The treasurer shall invest all funds not needed for current operating expenses in time certificate of deposit in approved depositories or in investment permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record (12C.1(1)). The treasurer shall at all times keep funds coming into their possession as public money in a vault or safe to be provided for that purpose or in one or more depositories approved by the board. Any public funds not currently needed shall be invested (12B.10).

Pending audit and allowance of claims under section 279.29, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law (279.29).

At the time of any examination or at the time of any settlement with the treasurer, the treasurer shall produce and count in the presence of the officer or officers making such examination or settlement, all moneys or funds then on deposit in the safe or vault in the treasurer's office, and shall produce a statement of all money or funds on deposit with any depository wherein the treasurer is authorized to deposit such funds, which statement shall be certified by one or more officers of such depository, and shall correctly show the balance remaining on deposit in such depository at the close of business on the day preceding the day of such settlement. The treasurer shall also file a statement setting forth the numbers, dates, and amounts of all outstanding checks, or other items of difference, reconciling the balance as shown by the treasurer's books with those of the depositories (12B.11).

The board of directors may delegate its investment authority to the treasurer for handling investments transactions (12C.11).

If a warrant other than an anticipatory warrant is presented for payment, and is not paid for want of funds, or is only partially paid, the treasurer shall endorse the fact thereon, with the date of presentation, and sign the endorsement, and thereafter the warrant or the balance due thereon, shall bear interest at the rate specified in section 74A.2 (74.2).

The treasurer shall keep a record of each interest-bearing obligation which shall show the number and amount, the date interest commences, the rate of interest, and the name and post office address of the holder of the obligation (74.3).

When a nonnegotiable interest-bearing obligation is assigned or transferred, the assignee or transferee shall notify the treasurer in writing of the assignment or transfer and of the post office address of the assignee or transferee. Upon receiving notification, the treasurer accordingly shall correct the record maintained (74.4).

When a fund contains sufficient money to pay one or more interest-bearing obligations which are outstanding against the fund, the treasurer shall call those obligations for payment. Obligations may be paid in the order of presentation (74.5).

When an obligation which legally draws interest is paid, the treasurer shall endorse upon it the date of payment, and the amount of interest paid. The treasurer shall enter into the records maintained the date of payment and the amount of interest paid (74.7).

Receive forfeitures imposed on any school officers for willingly violating any law relative to schools, or willfully failing or refusing to perform any duty imposed by law (277.32).

The Administrator

The AEA board shall employ personnel to carry out the functions of the AEA which shall include the employment of an administrator who shall possess a license issued under chapter 272. The administrator shall be employed pursuant to section 279.20 and sections 279.23, 279.24 and 279.25. The salary for an AEA administrator shall be established by the board based upon the previous experience and education of the administrator. Section 279.13 applies to the AEA board and to all teachers employed by the AEA. Sections 279.23, 279.24, 279.25 apply to the AEA board and to all administrators employed by the AEA (273.3(11)).

The board of directors may employ a superintendent of schools [AEA administrator] for a term of not to exceed three years. However, the board's initial contract with a superintendent [administrator] shall not exceed one year if the board is obligated to pay a former superintendent [administrator] under an unexpired contract. The superintendent [administrator] shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by this section (279.20)).

Contracts with administrators shall be in writing and shall contain all of the following:

- (1) The term of employment.
- (2) The length of time during the school year services are to be performed.
- (3) The compensation per week of five consecutive days or month of four consecutive weeks.
- (4) A statement that the contract is invalid if the administrator is under contract with another board of directors in this state covering the same period of time, until such contract shall have been released or terminated by its provisions.
- (5) Such other matters as may be agreed upon (279.23).

An administrator's contract shall remain in force and effect for the period stated in the contract. The contract shall be automatically continued in force and effect for additional one-year periods beyond the end of its original term, except and until the contract is modified or terminated by mutual agreement of the board of directors and the administrator, or until terminated as provided by this section (279.24).

An administrator may be discharged at any time during the contract year for just cause. The administrator shall be notified in writing that the board has voted to consider termination of the administrator's contract and the applicable procedures of section 279.24 apply (279.25).

The AEA administrators shall jointly appoint a member to serve on the Iowa public broadcasting board (256.82(4)(b)(3)).

The AEA administrators shall select an early childhood specialist of an AEA to serve on the child development coordinating council that is established to promote the provision of child development services to at-risk three-year- and four-year-old children (256A.2(5)).

The salary of the AEA administrator shall be approved by the director of the Department of Education (256.9(30)).

In addition to licenses required under rules adopted pursuant to chapter 272, an individual employed as an administrator, supervisor, school service person, or teacher by a school district or AEA, who conducts evaluations of the performance of individuals holding licenses under chapter 272, shall possess an evaluator license or an evaluator endorsement appearing on a teaching or administrative licenses (272.33).

If a vacancy or vacancies occur among the elective offices or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy occurs, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the AEA administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than

thirty days nor later than forty days after the thirtieth day following the occurrence of the vacancy. If the secretary fails for more than three days to call an election, the administrator shall call it (279.7).

When emergency repairs costing more than \$25,000 are necessary in order to prevent the closing of any school, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However before such emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the AEA administrator that such emergency repairs are necessary to prevent the closing of the school (297.8).

The AEA administrator in conjunction with the state board for vocational education is empowered to require enforcement of chapter 289, part-time schools, on the part of school boards (289.7).

Official Misconduct--Directors, Officers, Employees

Any public officer or employee, who knowingly does any of the following, commits a class "D" felony:

1. Makes or gives any false entry, false return, false certificate, or false receipt, where such entries, returns, certificates, or receipts are authorized by law.
2. Falsifies any public record, or issues any document falsely purporting to be a public document.
3. Falsifies a writing, or knowingly delivers a falsified writing, with the knowledge that the writing is falsified and that the writing will become a public record of a government body (721.1).

Any public officer or employee, or any person acting under color of such office or employment, who knowingly does any of the following, commits a serious misdemeanor:

1. Makes any contract which contemplates an expenditure known by the person to be in excess of that authorized by law.
2. Fails to report to the proper officer the receipt or expenditure of public moneys, together with the proper vouchers therefor, when such is required of the person by law.
3. Requests, demands, or receives from another for performing any service or duty which is required of the person by law, or which is performed as an incident of the person's office or employment, any compensation other than the fee, if any, which the person is authorized by law to receive for such performance.
4. By color of the person's office and in excess of the authority conferred on the person by that office, requires any person to do anything or to refrain from doing any lawful thing.
5. Uses or permits any other person to use the property owned by the school district for any private purpose and for personal gain, to the detriment of the district.
6. Fails to perform any duty required of the person by law.
7. Demands that any public employee contribute or pay anything of value, either directly or indirectly, to any person, organization or fund, or in any way coerces or attempts to coerce any public employee to make any such contributions or payments, except where such contributions or payments are expressly required by law.
8. Permit persons to use the property owned by the district to operate a political phone bank for any of the following purposes:
 - a. To poll voters on their preferences for candidates or ballot measures at an election.
 - b. To solicit funds for a political candidate or organization.
 - c. To urge support for a candidate or ballot measure to voters (721.2).

Any appointive or elective officer holding any public office may be removed from office by the district court for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the campaign finance disclosure provisions of chapter 56 (66.1A).

It shall be a serious misdemeanor for any person or political organization either directly or indirectly to solicit or demand from any employee any contribution of money or any other thing of value for election purposes or for the purpose of paying expenses of any political organization or any person seeking election to public office (721.3, 721.7).

It shall be a serious misdemeanor for any person to use or permit to be used any motor vehicle owned by the school district for the purpose of transporting any political literature or any person or persons engaging in a political campaign for any political party or any person seeking an elective office (721.4, 721.7).

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface. A violation of this labeling requirement shall be a serious misdemeanor (721.8, 721.9).

A public officer or employee who, by reason of the officer's or employee's employment, has access to any public record, or to any file, dossier, or accumulation of information of any kind, and who gives or transfers to any person, in exchange for anything of value other than fees authorized by law, any such record, file, dossier, or accumulation of information, or any part thereof, or who imparts to any person any information contained therein in exchange for anything of value other than fees authorized by law, commits a serious misdemeanor (721.10).

Any officer or employee of the district who is directly or indirectly interested in any contract to furnish anything of value to the state or any subdivision thereof where such interest is prohibited by statute commits a serious misdemeanor. This section shall not apply to any contract awarded as a result of open, public and competitive bidding (721.11).

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state (722.2).

Refusal by any public official to permit public inspection of audit reports when such reports have been filed with the state auditor shall constitute a simple misdemeanor (11.14).

Failure on the part of a public official to perform any of the duties prescribed in chapters 73A and 24, and sections 8.39 and 11.1 to 11.5, constitutes a simple misdemeanor, and is sufficient ground for removal from office (24.24).

A violation of the provisions of section 72.3 shall, in addition to criminal liability, render the violator liable, personally and on the violator's bond, if any, to liquidated damages in the sum of one thousand dollars for each violation, to inure to and be collected by the school corporation of which the violator is an officer (72.4).

An officer or person who is connected with or is a member of a board of a school district who fails to give preference to Iowa products and labor as required by chapter 73 is guilty of a simple misdemeanor. Each separate case of failure to give preference is a separate offense (73.5).

It shall be unlawful for any school director, officer, area education director or teacher to act as agent for any school textbooks or school supplies during such term of office or employment, and any school director, officer, area education director or teacher who shall act as agent or dealer in school textbooks or school supplies, during the term of such office or employment, shall be deemed guilty of a serious misdemeanor (301.28).

The director of the department of education shall prepare forms and procedures as necessary to be used by AEA boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify the AEA board, district board, or school authorities when a report has not been filed in the manner or on the dates prescribed that the school will not be accredited until the report has been properly filed (256.9(18)).

A prosecution for a simple misdemeanor or violation of a municipal or county rule or ordinance shall be commenced within one year after its commission (802.4).

The county attorney shall prosecute or assist in the prosecution of actions to remove public officers from office (331.756(16)).